

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
VIRGINIA, ALEXANDRIA DIVISION

Harry Brantley v. Chad Dotson

Brantley v. Dotson, No. 1:26cv500 (RDA/WBP) (E.D. Va. Apr. 8, 2026) · No. 1:26cv500 (RDA/WBP) ·  
Decided April 8, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia denied Harry Brantley's motion to alter judgment and dismissed without prejudice his Rule 60(b)(4) motion, construing it as a second or successive habeas petition under 28 U.S.C. § 2244(b). The court held that it lacked jurisdiction because Brantley had not obtained authorization from the Fourth Circuit to file a successive petition. The court also explained that Rule 60(b) could not be used to challenge a state-court judgment and directed the Clerk to close the action.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of Virginia, Alexandria Division                                                                                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Rossie D. Alston, Jr.                                                                                                                                                                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the Eastern District of Virginia, Alexandria Division                                                                                                                                                                                                                                                                                                  |
| DECIDED               | April 8, 2026                                                                                                                                                                                                                                                                                                                                                                           |
| DOCKET                | 1:26cv500 (RDA/WBP)                                                                                                                                                                                                                                                                                                                                                                     |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | A Virginia inmate's habeas petition was transferred from the United States District Court for the Western District of Virginia. After the petitioner was ordered to amend the petition on a standardized form, he filed a motion styled under Federal Rule of Civil Procedure 60(b) (4), challenging the same state-court judgment previously challenged in an earlier § 2254 petition. |
| STANDARD OF REVIEW    | The court reviewed the pleading to determine whether it was substantively a successive habeas petition and whether the district court had jurisdiction under 28 U.S.C. § 2244(b).                                                                                                                                                                                                       |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                                                                                             |
|                       |                                                                                                                                                                                                                                                                                                                                                                                         |

## PARTIES

Harry Brantley v. Chad Dotson

## TOPICS

federal habeas corpus

successive petitions

subject matter jurisdiction

post-conviction relief

appellate procedure

## PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

federal jurisdiction

## QUESTIONS PRESENTED

1. Whether Brantley's Rule 60(b)(4) motion was substantively a second or successive habeas petition subject to 28 U.S.C. § 2244(b).
2. Whether the district court had jurisdiction to consider the successive petition without prior authorization from the Fourth Circuit.
3. Whether Federal Rule of Civil Procedure 60(b) authorized the federal district court to invalidate or otherwise challenge the state-court judgment.
4. Whether the petition should be dismissed without prejudice and the motion to alter judgment denied.

## HOLDINGS

1. A filing styled as a Rule 60(b) motion is treated as a second or successive habeas petition when it attacks the underlying state-court conviction or judgment previously challenged in federal habeas proceedings, rather than identifying a defect in the integrity of the prior federal habeas proceeding.
2. A federal district court lacks jurisdiction to consider a second or successive habeas petition absent an order from the appropriate court of appeals authorizing its filing.
3. Federal Rule of Civil Procedure 60(b) does not provide a mechanism for a federal district court to relieve a party from or invalidate a judgment entered by a state court.

## KEY QUOTATIONS

*"Although styled as a Rule 60(b) motion, under Supreme Court precedent his motion is, in reality, a successive habeas petition and will be dismissed."* (Memorandum Opinion and Order)

*"This Court therefore lacks jurisdiction to consider this successive petition, and the petition will be dismissed without prejudice."* (Memorandum Opinion and Order)

## FACTUAL BACKGROUND

Brantley challenged a December 5, 2013, Virginia state-court judgment involving convictions for attempted robbery, firearm offenses, malicious wounding, and firearm use in the commission of malicious wounding. He had previously challenged the same judgment in a § 2254 petition. His new filing, styled as a Rule 60(b)(4) motion, alleged that the convictions were void because the state did not comply with Virginia Code § 19.2-217

concerning the return of indictments in open court. He identified no new constitutional rule or previously unavailable facts and had no authorization order from the Fourth Circuit.

## PROCEDURAL HISTORY

The petition was transferred to the Eastern District of Virginia. The court ordered Brantley to comply with Local Civil Rule 83.4 and amend his petition, but he instead filed a Motion to Alter Judgment asserting that his filing was a Rule 60(b)(4) motion rather than a § 2254 petition. The court treated the motion as a second or successive habeas petition, found that Brantley lacked authorization from the Fourth Circuit, denied the motion, dismissed the petition without prejudice, declined to issue a certificate of appealability, and directed the Clerk to close the action.

## DISPOSITION

dismissed

## CASES CITED

- *FTC v. Ross*, 74 F.4th 186, 191 (4th Cir. 2023)
- *Brantley v. Dir., Va. Dep't of Corr.*, No. 1:16CV661 (GBL/JFA), 2017 WL 4052801, at \*1 (E.D. Va. Sept. 12, 2017)
- *Moses v. Joyner*, 815 F.3d 163, 168 (4th Cir. 2016)
- *Gonzalez v. Crosby*, 545 U.S. 524, 531, 534 (2005)
- *Evans v. Smith*, 220 F.3d 306, 323, 325 (4th Cir. 2000)
- *In re Williams*, 364 F.3d 235, 238 (4th Cir. 2004)
- *Burnett v. Amrein*, 243 F. App'x 393, 395 (10th Cir. 2007)
- *Bolden v. City of Topeka*, 441 F.3d 1129, 1139 (10th Cir. 2006)
- *Liedtke v. State Bar of Texas*, 18 F.3d 315, 317 (5th Cir. 1994)
- *Hulsey v. Cisa*, 947 F.3d 246, 249 (4th Cir. 2020)
- *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 291-92 (2005)
- *O.W. v. School Board of the City of Virginia Beach*, 656 F. Supp. 3d 596, 610 (E.D. Va. 2023)
- *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983)
- *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923)